

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, Derivatively on Behalf	:
of LEHMAN BROTHERS HOLDINGS, INC.,	:
	: Plaintiff,
v.	: Case No.: 07-CV-02990 (DAB)
RICHARD S. FULD, JR., MICHAEL L.	:
AINSLIE, JOHN F. AKERS, ROGER S.	:
BERLIND, THOMAS H. CRUIKSHANK,	:
MARSHA JOHNSON EVANS, SIR	:
CHRISTOPHER GENT, JOHN L. CECIL,	:
ROLAND A. HERNANDEZ, JOHN D.	:
MACOMBER, DINA MERRILL, JONATHAN	:
BEYMAN, DAVID GOLDFARB, JOSEPH M.	:
GREGORY, JEREMY M. ISAACS,	:
CHRISTOPHER O'MEARA, THOMAS A.	:
RUSSO, BRADLEY H. JACK, HENRY	:
KAUFMAN, STEPHEN M. LESSING,	:
MICHAEL F. MCKEEVER, JEFFREY	:
VANDERBEEK,	:
	: Defendants,
- and -	:
LEHMAN BROTHERS HOLDINGS, INC.,	:
	: Nominal Defendant.
-----x	:

**NOTICE OF MOTION FOR SELECTION AS LEAD PLAINTIFFS
AND APPROVAL OF LEAD COUNSEL**

PLEASE TAKE NOTICE that Robert L. Garber (“Garber”) and Saginaw Police & Fire Pension Board (“Saginaw”) will hereby move this Court for an Order (attached hereto): (1) selecting Garber and Saginaw as lead plaintiffs in the action; (2) approving their selection of Scott & Scott, LLC and Robbins, Umeda, and Fink LLP as co-lead

derivative counsel; and (3) granting such other relief as the Court may deem just and proper. For the reasons set forth in the supporting memorandum of law and declaration of David R. Scott, Esq., Saginaw and Garber respectfully request that the Court enter the attached Order.

DATED: August 10, 2007

Respectfully submitted,

SCOTT + SCOTT, LLP

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2007, a copy of the foregoing Notice of Motion for Selection of Lead Plaintiffs and Approval of Lead Counsel was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Beth A. Kaswan
Beth A. Kaswan (BK-0264)

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- and - :
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Nominal Defendant. :
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**[PROPOSED] ORDER ON THE MOTION FOR SELECTION AS LEAD
PLAINTIFFS AND APPROVAL OF LEAD COUNSEL**

Having considered the motion by Robert L. Garber and Saginaw Police & Fire
Pension Board for Selection as Lead Plaintiffs and Approval of Lead Counsel, the

memorandum in support thereof, and the Declaration of David R. Scott, Esq., this Court deems there is good cause to enter an Order stating that:

- 1) Robert L. Garber and Saginaw Police & Fire Pension Board are hereby named lead plaintiffs in this case; and
- 2) Scott + Scott LLP and Robins, Umeda and Fink LLP are hereby approved as co-lead derivative counsel.

IT IS SO ORDERED

Dated: _____

THE HONORABLE DEBORAH A.
BATTs, UNITED STATES DISTRICT
JUDGE